

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/17/10

-----X  
ANDREAS PEFANIS on behalf of himself :  
and others similarly situated, :  
Plaintiff, :

08 Civ. 002 (DLC)

-v- :

ORDER

WESTWAY DINER, INC., :  
Defendant. :

-----X  
DENISE COTE, District Judge:

For the reasons set forth at the September 17, 2010  
teleconference held on the record, it is hereby

ORDERED that plaintiff's counsel shall provide to  
defendant's counsel by **September 17** a proposed notice to be sent  
to class members not previously identified to permit those class  
members an opportunity to opt into the collective action and opt  
out of the class action (the "Notice"). The parties shall meet  
and confer to resolve any disputes about the form of the notice.  
Any remaining objections to the Notice must be submitted to the  
Court by **September 20**.

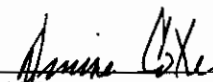
IT IS FURTHER ORDERED that the defendant shall provide by  
**September 23** contact information for the class members not  
previously identified to plaintiff's counsel.

IT IS FURTHER ORDERED that plaintiff's counsel shall mail  
the Notice to all class members not previously identified by

**September 28.** Class members shall have until **October 28** to opt into the collective action and opt out of the class action.

SO ORDERED:

Dated: New York, New York  
September 17, 2010

  
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DENISE COTE  
United States District Judge